

REMARKS

Status of the claims:

With the above amendments, claims 21-24 are canceled. Claims 14-20, 25, and 26 are pending and ready for further action on the merits. A number of editorial amendments have been made to the claims to conform their language to that typical of U.S. practice. No amendment changes the scope of the claims. Reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §112, second paragraph

Claim 15 is rejected under 35 USC §112, second paragraph for lack of support in the written description. Applicants have incorporated the phrase "FITC substituted tyrosine" into the written description at page 6, line 7. It is believed that with this amendment that there is now sufficient support for the claims in the written description. Withdrawal of the rejection is warranted and respectfully requested.

Rejections under 35 USC §102

Claims 21-24 are rejected under 35 USC §102(b) as being anticipated by Holick '127 (WO 97/24127). Claims 21-24 have been canceled so the rejection is moot. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
Mark J. Nuell #36,623

DRN/TBS/mua

P.O. Box 747  
Falls Church, VA  
22040-0747  
(703) 205-8000